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A comparative study of judicial control in Iran, U.S.A and Canada

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ABSTRACT

Supervision and control need tools and techniques that would usually take two forms: the first form is that the same court that hears claims and complaints submitted by the departments and its agents, handles other claims and all the claims are processed by these courts of justice. Another form of judicial supervision is supervision in a dual judicial system and that is a judicial system wherein only specialized courts are competent enough to review administrative claims and to investigate the conducts of the department and its agents. In this paper, we deal with how these tools are used in advanced legal systems like the U.S., and Canada and the Iranian legal system. The result we discover in the end is that in all stages of supervision by the supervisor and the supervised, there must be a sense of accountability to people and officials and this will be achieved by transparency in performance. In the absence of transparency supervision will be disrupted and some economic and administrative corruption will arise, because wherever there are secrecy and monopoly, the results will be inevitably corruption.

Keywords: Judicial control; Administrative control; Supervisions and inspection; Comparative study; Public law; International law

1. INTRODUCTION

Legally speaking, supervision over the good implementation of the laws is regarded as a kind of "sanction" or a tool for guarantying and vindicating legal rights and duties, meaning that when a law is enacted or some agreements and criteria are enforced for regulating and organizing relations of the people in the society with one another, relations of people and citizens with their own government and of states with one another or relations with international organizations, the necessity of control and supervisions over proper implementation of such criteria and agreements is also raised. Thus, any law which is enacted, while predicating some sanctions (e.g. types of punishment and retribution, fines, damage compensation and payment obligation, ...), a control and a supervision system is also founded so that assurance is made with respect to the proper implementation of the laws and guarantee of the rights and social balance and security is maintained.

Supervision and control over administrative departments can be thought of two levels:

First: structurally speaking, i.e. focus should not be done on components and people of a public system, rather people and elements should be sought in relation with other elements and in relation with the system.

Second: individually; i.e. control over all state employees individually.

One of the most important impacts of supervision in state management is that the channel of justice and oppression is recognized from each other; also, among other advantages of supervision is that the bottleneck of the system's problems are determined and it is understood whether the weakness is in "legislation" or "implementation" or in "supervisions", and after the pain is diagnosed, treatment and prescription will be made easy. Also, of other results of supervision is that violation of government elements on peoples' rights is avoided. Hence, in this research we seek to understand firstly, why institutions should be under supervision and second who is entitled to supervise such institutions.

2. JUDICIAL SUPERVISION

Supervision should be investigated from two judicial and administrative perspectives. The administrative supervision is supervision which is performed by the department itself inside the department so as to make sure about the correctness of its own operations and that acts against an order (permit) it receives from competent authorities. In other words, this stage of supervision is field supervision and there are supervising factors inside the institution and in the context of the financial operation of such institutions. But, by supervision while implementation it is meant supervision is done over current and underway activities so that assurance is made with respect to their compliance with the standards. In this type of supervision reliance is made on the assessment of current activities (Mirmohamadi, 2004). Judicial supervision is a process whereby the courts enforce their own supervision jurisdiction over public institutions' activities in the area of public law and specify the legality of a public act or its implementation based on some special conditions. This legal institution is regarded a judicial invention for guarantying the decisions issued by the executive power the public institution with the law, though that decision involves no mistake (Mahmoodi, 2011).

3. JUDICIAL SUPERVISION IN THE IRANIAN LAW

The objectives of the formation of the administrative court of justice were "vindicating the peoples' rights" and "establishment of administrative justice". The court's powers are set in line with the aforementioned objectives. The court's powers under article 11 of the administrative courts of justice law are as follow:

1. Investigating peoples' complaints about decisions and measures by the state units
2. Investigating peoples' complaints about decisions and measures by the state units' agents
3. Investigating peoples' complaints about regulations, constitution and state
4. Investigating peoples' complaints about decisions and measures by boards and administrative commissions
5. Investigating peoples' complaints about judges and public servants in terms of violating employment rights

By comparing the above instances as jurisdictions and powers of the court cited in the law and that which is provided in as jurisdictions and powers of the public courts of justice in the relevant laws, we concluded that the court's jurisdiction in terms of "plaintiff", "defendant"

and "the want" are different from the public courts' jurisdiction. We follow the subject in three clauses:

a) The court's jurisdiction in terms of plaintiff (people)

Article 173 of the constitution provides: "in order to investigate peoples' complaints, oppressions and objections, a court named the administrative court of justice was founded". This section considers the plaintiff in the court of justice as "people". This term is vague and to understand the legislator's purpose, we should refer to the common law. Article 11 of the administrative court of justice, while stating the court's jurisdiction in terms of the plaintiff and defendant provides: the court's scope of powers and jurisdiction are as follow:

1. Probing into complaints and objections by the real and legal persons

Based on this phrase, the plaintiff is "real and legal persons" in the court. This phrase won't eliminate the ambiguity; because, the question that arises is does this phrase solely mean "legal persons of the private law" or "legal persons of the public law"? The term "legal persons" results in the fact that we consider the court as competent in investigating the complaints of the legal persons of the public law. Hence, this impression looks incompatible with the intent of the legislator; because, the intent of the legislator from preparing article 173 of the constitution was to prevent the state violations of peoples' rights. Moreover, custom about the legal persons of the public law does not apply the word people.

Thus, investigating the differences between the executive and administrative entities is not under the jurisdiction of the court. In other words, when the parties to the claim are legal persons of the public law, investigation of this claim is outside the court's jurisdiction. The precedent decision by the public board of the court of justice on November 18th 1989 reaffirms this impression. This decision states that: "given article 173 of the Islamic Republic of Iranian constitution, it is explicitly stated the administrative court of justice was founded to deal with peoples' complaints, oppressions and objections towards state agents and units, and according to the literal and customary meaning of the word people state units are not included by people and refers to legal and natural persons of the private law".

Under this decision, by "real and legal persons" in article 11 of the administrative court of justice it is meant real and legal persons of the private law. It is clarified as with the aforementioned explanations that the plaintiff in the administrative court of justice is people; who is to say, "natural persons" and "legal persons of the private law" (Aghaei, 2009).

b) The court's jurisdiction in terms of the defendant (state)

It is understood from article 173 of the constitution that the defendant in a claim which is under the jurisdiction of the administrative court of justice is "state agent" or "state unit". The above article states: "in order to address peoples' complaints, oppressions and objections against agents, units or state regulations and to vindicate their rights, a court named the administrative court of justice under the supervision of the judiciary power was founded". As provided by state regulations in article 173, it is meant enactments by the executive power in line with articles 138 and 170. Because, the above phrase is directed at "agents and units", hence by agents or state units it is meant agents and units of the executive power (Aghaee, 2009). The result is that from a constitution perspective, the defendant in the claims raised in the administrative court of justice is the agents and units of the executive power. Hence, it should be born in mind that which is brought under the jurisdictions and powers of the administrative court of justice in article 173, the minimum requirements are considered and the legislator refers the specification

of the scope of powers of this court to the common law. The above article states: "the scope of powers and the way this court acts is determined by the law" (Sadrolhefazi, 1999).

Thus, it is noteworthy to discuss this subject under the administrative court of justice law. In this regard, it is said that by the "state" in the administrative court of justice law, it is meant the executive power (Sadrolhefazi, 1999). The following evidence justifies this claim: article 25 of the administrative court of justice law has thought the term "state" as equivalent with the executive power. In a section of this article, it is provided that: "the administrative court of justice is obliged ..., should there is a complaint concerning their disagreement with the laws or outside the scope of powers of the executive power, to raise the complaint in the court's general board".

2. Clause 2 of article 11 of the administrative court of justice law, has not considered the decisions and verdicts of the judicial, military and security courts of justice as actionable in the administrative court of justice.
3. Legislative and judicial entities are not customary included in the sense of state.

Thus, from the perspective of the administrative court of justice law, this court lacks the competency to address peoples' complaints against the judicial and legislative entities. It seems the evidence cited does not suffice for proving this claim; because, that which is provided in article 25 does not impinge the other jurisdictions of the court in regard to addressing the regulations of the judicial and legislative systems. In addition to that, this proof is the most peculiar of the claims; because by agents it is meant units and state regulations, whereas the subject of article 25 is state regulations. In other words, article 25 gets across the sense that by state regulations, it is those of the executive power. However, concerning the state agents and units, the forgoing article is mute (Hodavand, 2007).

But, regarding clause 2 of article 11, we can say that by "decisions and votes of the courts and other judicial authorities" it is meant some judicial decisions, where in this case, administrative and executive decisions of the courts are under the jurisdiction of the court. Hence, in accordance with the administrative court of justice, this court has the authority to deal with people's objections and complaints about the administrative and executive decisions of the executive, judicial and legislative entities (Hodavand, 2007).

Legal procedure in the administrative court of justice unlike proceedings in legal courts is done normally. In summary proceedings, the basis of proceedings while oral negotiation are obtaining remarks by the two parties, expressing the claim by the plaintiff and defense of the defendant in the court session. Meanwhile, presenting the bills with a written request has an exceptional or optional aspect for completing and regulating the personal statements of the parties to the claim. The rules and regulations of the summary proceedings has a hermeneutic law aspect; which is to say, the parties to the claim can deviate from it and choose the common proceeding manner. In contrast, in the common proceedings the basis of proceedings is planned while written preliminaries of the claim. The claim written preliminaries are often formed through an exchange of bills between the parties. Holding some proceedings sessions and obtaining oral explanations of the two parties, if deemed necessary and based on the view and prudence of the adjudicating competent authority has an exceptional, secondary and optional aspect.

However, according to rules and regulations and the procedure of the court, addressing complaints and objections in this court is taken place quite normally. In other words, taking actions and defending them is in writing; i.e. the parties are bound to submit their reasons and views in writing in form of petitions and bills. The court is not obliged to invite the parties to

the claim. Of course, under article 31 of the court's law and article 23 of the procedure code, the court can if deemed necessary, invite the parties to the suit for investigation and acquiring information. Legal procedure is in article held in a closed court without the presence of the parties and bystanders. The court in the adjudication process enjoys fairly wide powers for discovering the subject and verification of the truth. Legally speaking, the court's proceedings have a legislative aspect. The courts can within the rules and regulations perform any investigation deemed appropriate or to claim and hear any records and documents available in state units, departments and organizations.

Another type of judicial inspection in Iran is inspection by the general national inspection organization. Under clause "a" article 2 of the law on formation of the general national inspection and article 2 of the executive regulation of the foregoing article, continuous and permanent inspection of all the ministries, departments, military and security forces, state companies and institutions and municipalities and entities affiliate to them as well as the notaries public bureaus, institutions of public utility and revolutionary entities and organizations whose all or parts of assists belong to the state or the state supervises them in one way or another or helps them is done on a regular basis. This inspection is done by the inspection boards and by the order of the chief of the organization for at least once a year; (Article 2 of the executive regulation of law on formation of the general national inspection). As seen, the continuous inspection includes all entities and administrative and military systems, companies, and even institutions of public utility and this is adopted from article 174 of the I.R Iran constitution due to absolute jurisdiction of the general national inspection organization (Mousazade, 2002).

This issue (the organization's amendatory role) is today emphasized by all the authorities of the Islamic Republic of Iran and all of them place emphasis on the fact that the organization must deal with the root causes. In below we refer to some of these remarks:

The supreme leader in his famous decree which is known as the eight-point decree announces to the chiefs of the three powers:" reaffirm to the practitioners of this task (practitioners of the campaign against corruption who are the same inspection organizations agents) not to follow small errors and weaknesses instead of root causes and mother of all corruptions. Beware not to abandon the main points" (Ahmadi Gorji, 1999). The general national inspection organization, in addition to permanent and continuous inspection is obliged to do the other extraordinary inspections. (Clause b article 2 of the executive power regulation of law on formation of general national inspection organization). It is possible for some instance of violation and failures and adverse events to be reported in one way or another to some political officials of the country or they themselves become aware of the occurrence of the violations or that they intend to become informed of the relevant details. In this case, at their request or orders, if necessary the organization is obliged to inspection. The law has enumerated some individuals upon their request the organization has to perform extraordinary inspection, and outside this no official has the right to demand the organization to perform the extraordinary inspection. Thus, upon the order of the supreme leader, or at the order or request of the head of the judiciary power or that of the president, or request by the articles 88 and 90 commission of the constitution of the Islamic Council Parliament or based on the request by the minister or the relevant executive officials or in cases where the chief of the general national inspection organization, performing the inspection is deemed necessary, performing these inspection is called extraordinary inspection. A notable point in this regard is a lack of reference to officials who possess a constitution station. Also, the head of the Islamic Council Parliament, the guardian council and the expediency council have not been cited in this law.

"In case the inspection reports suggest some misconduct with the financial and administrative affairs, the head of the organization submits and follows a version of it along with proofs and documents for prosecuting and punishing the perpetrators directly to the interested judicial as well as administrative and related disciplinary authorities (Clause "d" of the executive regulation of law on formation of the general national inspection). Submitting the report of crime commission or violation by the chief of the organization could take too long due to an accumulation of the reports and as a result, the implications that could have arisen from prosecuting the defendant or the accused might be lost. Hence, it seems submitting the report by the chief of the organization could not be relevant, particularly in inspection offices of the provinces, or when a fixed inspection board or some ministerial and institutional boards are established in a locality.

Thus, the head of the organization could, for fostering the treatment process of the defendant and for vindicating the public rights delegate this duty and power of his to the heads of the inspection boards and some judicial managers and inspectors in all provinces. These officials after submitting the report to the interested authorities must send a picture of it so as to notify and implement last part of the preceding clause (sending to the head of the judiciary power for notification and prosecution). Another type of judicial supervision in Iran is supervision by the audit office of the country. The Islamic Republic of Iran's legislative power is based on a single parliament system, where this institution consists of two completely distinct pillars of the Islamic council parliament and guardian council without their help and synergy, the legislative power actions cannot be performed. Hence, the legislative power is a single parliament but two pillar system, where each of them fulfills their own special duties for enacting the rules and regulations. The only state institution affiliate to the legislative power is the audit office of the country whose formation is under article 54 of the Islamic Republic of Iran's constitution. The foregoing article states:" the audit office of the country is directly under the supervision of the Islamic Council Parliament. Departments and affairs management of the audit office will be determined in Tehran and provincial centers under the law".

Supervision on the implementation of the budget like supervision over preparation of the budget is the right of the legislative power; this supervision is not to gain confidence, rather it is for exact and proper implementation of the budget enactments or bills. Since, majors part of the budget is spent by the executive power and judiciary powers, it is imperative a supervising power outside of these two powers is taken into account for better investigation, where the law has assigned the audit office of the country to fulfill this job. Since, in the implementation stage there is a need for immense attention and full investigation of the numbers and comprehensive research and study as well as some field work and given time restrictions, the representatives are not able to fulfill this duty and the presence of an entity and an experienced and expert cadre is of high importance that acts on behalf of the parliament. The audit office of the country, by having an experienced and expert cadre in this regard submits a report to the parliament on the budget settlement annually (Shiri, 2003).

Of other entities that assume the supervision action is the article 90 commission of the Islamic Council Parliament. Article 90 of the Islamic Republic of Iran's Constitution could be regarded as the most explicit legal article in explaining the supervisory station of the Islamic Council Parliament. Article 90 of the Islamic Republic of Iran's Constitution, which is in fact the corrected form of article 73 of the draft constitution, was approved by the Elite council of the constitution on October 10th 1979. As the first course of the Islamic Council Parliament started working on June 7th 1980 and preparation of domestic regulation, in article 32 of it, the representatives attempted to form a commission titled the article 90 commission of the constitution for implementing this article. Under this article of the domestic regulation of the

parliament" in order to implement article 90 of the constitution, a commission named the article 90 commission of the constitution was founded so that it would fulfill its duties in accordance with the enacted laws and regulations". By laws enacted on the domestic regulation, it is laws that the parliament representatives of the first course of the parliament enacted for specifying a framework of duties and easing the fulfillment of duties by the article 90 commission. The 1988 amendatory review in the Islamic Republic of Iran's constitution brought about changes for the issues related with the parliament.

The name of the National Council Parliament was changed to the Islamic Council Parliament and article 90 was amended as following: "whoever has a complaint concerning the work of the parliament and the executive power and judiciary powers can submit his/her complaint in writing to the Islamic Council Parliament. The parliament is obliged to investigate such complaints and provide sufficient answers and declares the results in due time and inform the public in case it is related with the public". When the parliament's domestic regulation was amended in 2008, the number and combination of members and elections of the directorate pertaining to the article 90 commission were made different from other parliament's commissions and article 32 of the regulation was changed as following:

"In order to organize and make the parliament and representative efficient, particularly with respect to the way the executive and judiciary powers and the parliament act based on various articles of the constitution, particularly article 90, a commission named article 90 commission of the constitution was formed so that it would act and fulfill its duties according to the laws enacted related to itself. The members of this commission are as follow:

1. From any specialized commission, one people by the introduction of the related commission
2. Eight people of the representatives elected by the chiefs of the branches and board of chiefs as fixed members

Clause 1. The commission chief is elected by the proposition of the parliament's board of chiefs from among the fixed members of the commission and with the parliament's decision.

Clause 2. The fixed members of the commission must not be members to the parliament's specialized commissions".

Clause 1 of article 2 of the law on the execution of article 90 of the constitution provides: "Any department can with the agreement of the chief of the commission, if deemed advisable invites the plaintiff and the defendant for explaining and clarifying the issues and the refusal by the defendant is considered as a violation, but it does not involve the said punishment in article 2 of the law". According to the provision of the clause, the commission could summon the parties to the claim, but there is no discussion in this article about compromise.

In a single article under the title of "law permitting direct correspondence and investigation of the article 90 commission with state institutions for investigating peoples' complaints" enacted on December 8th 1980 of the Islamic Council Parliament provides: "The article 90 commission could directly correspond with and refer to the triad powers of the Islamic Republic of Iran and the ministries, offices and departments affiliate to them and some revolutionary foundations and entities and other institutions which are in some way or another related with the three powers. This commission can ask for explanation from the relevant officials for investigating the written complaints remained unanswered or complaints remained with no compelling answers from the officials and to remove problems. They're also bound to provide sufficient answers". The provisions of this article indicate that the article 90 commission can access the public and state systems and institutions (Rezaeezade, 2010).

4. JUDICIAL SUPERVISION IN THE U.S. AND CANADA'S LAW

Non- state public institutions, from the view of this law are specific organizational units which are or will be formed with the permission of the law in order to fulfill duties and services that have a public aspect. But, why are these institutions called "non-state public institutions" and are they among the country institutions that depend on the government and what is meant by state in the definition of the public institutions?. That which is clear is that by state in this sense it is meant the three powers, not just the executive power. Because, these institutions, structurally speaking have a completely independent organization with respects to the triad powers. For this, they are called "non-state" public institutions. In the United States, there re three fundamental plans of local organizing that would specify the way these institutions are supervised and monitored:

1. The "mayor-city council" system which is most common and is evidently similar to the Continent system, the difference being that the mayor in it exactly like the members of the city council is elected with the direct ballot of the public.
2. The "commission" system in which five commissioners elected by people have undertaken both the power of decision making and the executive power and each manages one part of the local office.
3. The "municipality management" system in which the city council elected has entrusted the management of local offices on a professional salary earner manager. This system that is common in more than a third of the U.S. cities whose populations are more than 5000, and has seen quite considerable success (Izadi, 2001).

In the United Sates, the administrative regulation law has stipulated some criteria for a judicial review. The activities of the administrative departments cannot be automatically included in the judicial review, the party who demands a judicial review must prove he/she is interested in this claim and indicates he/she has acceptable proofs. These are the main judicial requirements that the party should be faced with prior to the court hearing. In the judicial review, the courts are unwilling to ask the truths and question the true information of the departments. In the judicial review, the court commonly investigates the following issues:

- Has the department deviated from its powers the law has considered for it?
- Has the department interpreted the law well?
- Has the department violated one of the constitutions articles?
- Has the department acted in compliance with the regulatory and form-based requirements?
- Are the measures by the department arbitrary or based on misuse of some optional powers?
- Are decisions made supported by some strong and well-established proofs?

One of the controversial subjects about the judicial control is the scope and extent of this type of control over the actions of the governmental powers (i.e. legislative, executive and judiciary powers). Although this issue is related with other issues such as relations of the powers together and the quality of applying the principle of the separation of the triad powers, that which is of focal point in here is the issues related with controlling the actions of the legislative power. In other words, the question is firstly, can the judicial control extent be extended to the parliament's enactments? And secondly, in case the answer being positive, what is the boundary of this control?. Thirdly, how is this control adjusted with democratic teachings in the sense of the majority government by the representatives elected by the peoples? It seems if the last question and subsequent answers presented by the advocates of the judicial control (controlling

the enactments of the legislative power and actions and enactments of the executive power by the courts) could be explained, we can achieve an almost clear perspective concerning the judicial control extent (Zare'ee, 2002).

Usually, the main criticism over the judicial control principle is control and somehow invalidation of the legislative power related enactments and as a result is its non-democratic process. In fact, the question is how the judicial control can be justified when it leads to the neutralization of a democratic lawmaker's objectives. In accordance with the views of the opponents of the judicial control principle being democratic, the courts must acquiesce to the views of the lawmakers or the executive power members who have been democratically elected and they are accountable against the parliament. The courts must also respect their enactments and avoid the judicial investigation by them. In their opinion, despite a parliament consisting of people – elect representatives and subsequent approved bills democratically, the judicial control is a non-democratic process which stands against the popular embodied will. On the other hand, the officials of the executive power in democratic countries are too elected through the election process and are considered as people's representatives. In spite of this, judicial control of their decisions is a deviation of democratic teachings as the government of majority.

In this country, the state through the executive powers of the president towards the employment of the federal employees and through the president's veto power, applies its control over the administrative departments. The president may veto the enacted law by the congress or tries to change the existing powers and authority of the administrative departments. In this relation we can say that the state possesses dual authorities:

a) The jurisdiction to enact the binding substantive rules

Most federal and state rules allow the administrative departments to create and approve "substantive rules". The substantive regulations are largely similar to the statute laws, because they are binding like the law and must be respected by the people. Breaching them in accordance with the provisions of the related rule will result in some criminal and civil liabilities. Administrative departments can issue so-called "hermeneutic rules" that would interpret the phrases and wording of the existing laws. These rules cannot create new laws. A declaration of policy could be communicated and approved by the administrative departments. These declarations are a sequential declaration of proposed measures which an administrative department intends to implement and follow in the future.

The main duty of an administrative department is to enact rules and regulations; i.e. creation and formulation of new laws. In the law establishing an administrative department, the congress cedes the necessary competence and jurisdiction for exercising regulations to the administrative departments. For example, the law for safety and health at work enacted in 1970 has allowed the organization for safety and health at work to enact rules and regulations related with safety at working environments. To enact new regulations, the organization for safety and health at work is obliged to observe form-based rules and rule making regulation as stipulated in the "administrative regulation law".

b) Executive jurisdiction

Administrative departments have commonly the powers for applying "executive jurisdiction", including inspection, prevention from a possible violation of the laws, administrative regulations and administrative orders. To successfully implement these duties, an administrative department should acquire some information from people and economic firms through inspection and through other sources. If the information required is made available voluntarily, administrative departments could issue an "administrative summons" for investigating people and firms required. Administrative departments assume the supervision of

institutions and companies which are regulated. One of the types of supervisions is done by the administrative departments through the rule making process for acquiring information from people, companies and some special industries. The purpose to gain confidence is that the rules issued instead of being "arbitrary" should be enacted by considering the relevant factors. After the final regulations are issued, administrative departments do the supervision for investigating whether the regulations are observed. Supervision of this type could be done when one of the citizens has reported the possible infringement.

Most administrative departments acquire the necessary information by inspecting the place. Most often, inspection of an office, factory and other trade institutions is the only way for confirming the breach of regulations. Administrative inspections cover a wide range of activities; including health inspection of underground coal mines, safety checks of commercial facilities and cars and bioenvironmental supervision over existing radioactivity in a factory. An administrative department could demand a person or a company some definite proofs and send them for an administrative department for performing experiments and checks. Also, the Congress through the legislation power applies its own jurisdiction over the jurisdiction of other departments. Of course, an administrative department cannot trespass the jurisdiction delegated to it by the Congress. The Congress can through later legislative processes remove the jurisdictions of that department or the department itself. In addition, since the jurisdiction for investment by the department is necessary, the lawmaker can declare financial resources and special time periods that would limit investment in a special program. In addition to the jurisdiction of the Congress about the formation and budgeting of the administrative departments, the Congress can make use of its own powers for supervising over the implementation of the law and department it has established. The Congress representatives can change the department policies through investigation activities. The Congress is also able to "suspend" the conducts of most federal regulations before the regulations become law binding. According to the law of fair implementation of small firms regulations enacted in 1996, all the federal departments should submit the final regulations to the Congress before they become binding. If the Congress reaches a joint resolution about the non-confirmation of the regulation during 60 days, it will suspend the enforcement of the regulations, so that the said regulations in this specific interval are investigated by the congress committees. Another way for the legislative power's control over the administrative departments' performance is through the administrative regulation law.

In Canada, the state services commission, by applying the supervisory mechanisms related with employment procedures in the administrative entities guards the public interests. This commission is an independent, impartial and third party that would guarantee some effective, timely and fair tactics with respect to the staff of the administrative entity. This commission on behalf of and representing the staff deals with the complaints related with the problems and harassments at the working place, and uses mediating procedures for solving these problems. The state employment commission also regarding guaranteed respect and allegiance to the principles of the administrative entity employment addresses the activities of the institutions and offices. Also, on June 1994, a bureau of moral principles counselors was established to assume the responsibility of the law of the lobbies' conducts, their registration and the criteria and laws contradicting the interests after employment for the state officials.

This department presents a series of advices and recommendations in regard to moral subjects to the federal offices and entities, the states and the private sector. The criteria and laws pertaining to the lobbies' conducts were also enforced in early March 1997. This set of laws, criteria and behavioral measures have prepared a special conduct for lobbies and pressure agents who are in contact with state officials. On the other hand, federal officials are obliged to

observe some definite behaviors in relation with cooperation and relation with the lobbies. Lobbies registration in 1996 for increasing the availability of the information to people was reformed in an attempt by the lobbies in federal entities.

Among Canada's supervision organizations is the bureau of values and ethics that was established in the Treasury Board Secretariat in 1999. This bureau is the center for leadership and expertise with respect to values and ethics inside the administrative entities that encourages talks on administrative ethics and expansion and presents some moral teachings. More importantly, it guides investigation relating to morality and prepares advices and orders in regard to moral administrative policies and principles. The Canada's General Audit Office encourages accountability and conducting the best performance in governmental activities. This organization proceeds to inspect and audit the government's activities quite completely independently and then it reports to the parliament quite fairly and impartially so that accountability and controlling of the governmental activities are fully guaranteed. The Canada's General Audit Office is independent from the government.

The Office of the Superintendent of Financial Institutions also regulates the federal financial entities and the pensioners' plans and the pension income while this organization is responsible for protecting the insured, depositors and pensioners against undue damages. This organization with a designed supervisory framework and with enhancing confidence and consolidating the Canada's financial system bolsters the public confidence. The Competition bureau which is responsible for investigating the Canada's competition law is subject to transparency, fairness and justice, seizing the opportunities and predictability. This law (competition) was established in line with maintaining and encouraging competition in Canada in order to encourage and promote efficiency and flexibility of the Canadian economy and expand participation in Canada in the global market. Under this law, foreign competition and investment have been recognized in Canada.

The Competition bureau has the ability to investigate, inspect and refer the subject matter to the attorney general of Canada that might lead to an order for prosecution and prosecution of other judicial procedures with respect to that subject matter. In the area of judicial supervision, the role of the Canada's attorney general, historically speaking is based on the law and tradition. This organization enjoys the jurisdiction to formulate and prepare legal advices to administrative departments, investigation and inspection of the office and prosecute the judicial violations in line with the national criminal law. This organization also holds the power for determining the investigation matters and judicial prosecution based on tradition and the common law.

Of course, the said organization has been barred from presenting political views that would have consequences for the organization or the cabinet. The Canada's court of justice ministry possesses a series of legal tools for guarantying truthfulness of the administrative entity. Also, there is a moral counseling bureau inside the Canada's Royal Trooper Police that would protect and maintain fundamental rights of the Canada's kingdom Trooper Police and the police forces.

Also, the commission for complaining against the Canada's Royal Trooper Police is an independent court that would receive and investigate state complaints concerning the behavior of each of the police forces or other persons employed under the Canada's Royal Trooper Police law. The Foreign review committee of the Canada's Royal Trooper Police is also an independent committee for receiving the petitions related with firing and degrading police forces, receiving petitions in opposition to disciplinary and punishment tools applied by judges and courts and presenting orders to the Canada's Royal with respect to second hand complaints. The commission on investigating information and security related with violations of Canada's

inflation and security service agency also investigates peoples' information. All the Canada's states and counties have an accountable authority which is responsible for supervising the organizations and offices that have a role similar to the attorney general of Canada in the states. This person is also liable against the Canada's Royal Trooper Police measures. State urban police commissions and urban police boards are responsible for monitoring police services at the city level and may enjoy wide range powers. The role of these omissions and boards is an example of public inspections.

Canada is one of the most immaculate countries in the Group 8 that managed to control corruption by applying legal effective and efficient mechanisms and tools. Of course, this does not mean there is no corruption in this country, rather some instances of corruption and scandals and financial misuse are still reported in this country, of which we can refer to misappropriation of financial budget in departments of public utility. But, the Canada's ever comprehensive perspective and putting in place some various tools and making use of multilateral strategies in dealing with corruption have all engendered this country to become successful in campaign against corruption. As Canada made all the political elements, including the triad powers, administrative entities and international collaboration be engaged in the campaign against corruption rendered in a great success for the country.

5. CONCLUSIONS

1. In all stages of supervision by the supervisor and the supervised, there must be a sense of accountability to people and officials and this will be achieved by transparency in performance. In the absence of transparency supervision will be disrupted and some economic and administrative corruption will arise, because wherever there are secrecy and monopoly, the results will be inevitably corruption.
2. Establishing a universal supervision system in order to use the public views, political factions, collective communication media and parties in the supervisory affairs and also giving powers and legal guarantees to civil entities and particularly the press for acquiring any sort of information from the administrative departments of the country and asking answers from the managers
3. Removing complex regulations and various stages for getting the job done that would waste the clients' time
4. Removing politicking and avoiding a political approach in offices and turning to some managerial and administrative approaches
5. Establishing a meritorious system instead of a relation centered system
6. A culture of supervision needs a national will at the country level, and when one can attain the ideal that all the people not just state officials as well as the supervisory entities like the General National Inspection Organization evaluates and appraises their own entities continuously and permanently and once this is not fulfilled, there will be violations and offenses in the country.

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